IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 34237 of 2005(A)

PETITIONER:

D.SUKUMARAN, S/O.DAMODHARAN,
ELUVUMTHANATH, P.O.PARAMBA, VIA-PARAPPA,
KASARAGOD.

BY ADV. SRI.K.R.MICHAEL
SRI.FRANCIS JOSEPH KURISINKAL

RESPONDENTS:

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1. MANAGING DIRECTOR,
KSBCDC LTD., VELLAYAMBALAM, THIRUVANANTHAPURAM.

2. DISTRICT MANAGER,
KSBCDC LTD., KASARAGOD.

3. DISTRICT COLLECTOR, KASARAGOD.

4. TAHSILDAR, HOSDRUG TALUK,
KASARAGOD.

5. VILLAGE OFFICER, MALOTH VILLAGE,
KASARAGOD.

R1 BY ADV. SRI.K.A.JAELEEL,SC,KS BACKWARD CLASS CO
R2 TO R5 BY G.P. SMT. SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE MEDICAL DISCHARGE SUMMARY AND OTHER MEDICAL DOCUMENTS OF THE CHILDREN.

EXT.P2 TRUE COPY OF THE LETTER DATED 6.5.2005 OF 2ND RESPONDENT.

EXT.P3 TRUE COPY OF THE REPRESENTATION DATED 2.6.2005 OF THE PETITIONER.

EXT.P4 TRUE COPY OF ORDER DATED 8.12.2005

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 34237 OF 2005

Dated this the 6th day of December, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of arrears of loan taken from the first respondent. Standing counsel for the first respondent submitted that loan was availed for construction of a house, and the petitioner defaulted in payment under the loan scheme. The liability is admitted and the petitioner's case is only financial hardship consequent upon hospitalization. In any case, I feel, penal and default interest can be waived, if the petitioner clears the arrears within a reasonable time. Petitioner is directed to approach the first respondent giving a scheme for repayment within a reasonable time, if the petitioner makes payment in terms of the commitment, the first respondent will waive penal and default interest.

W.P. is closed as above.

(C.N. RAMACHANDRAN NAIR)
Judge